

REMARKS

Claims 1-35 are pending. Claims 1, 2, 13, 14, 24, and 25 have been amended. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the March 22, 2006 Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. §102 (b) as being anticipated by Liu, U.S. Patent No. 5,931,815 (hereinafter the Liu reference). This rejection is respectfully traversed.

Independent claim 1, as amended, recites:

A winged safety needle assembly, comprising:

a hub having a distal end, a proximal end, and an axial through hole, said hub further supporting a pair of flexible extension arms;

a cannula joined to said hub adjacent the distal end of said hub, said cannula having a beveled edge at a distal end thereof;

a cylindrical sheath having **a locking tab attached to an outer surface thereof by a hinge**, said cylindrical sheath retaining said hub therein and having a distal end and a proximal end, said hub being slidable along an inner surface of said cylindrical sheath from a first position at which the distal end of said cannula joined to said hub projects beyond the distal end of said cylindrical sheath by a predetermined length, to a second position at which said distal end of the cannula is protectively contained within said cylindrical sheath;

a pair of flexible wings provided on the outer peripheral surface adjacent the distal end of said cylindrical sheath; and

a first locking mechanism and a second locking mechanism disposed on said assembly, whereby said first locking mechanism releasably locks said hub and said

cylindrical sheath at the first position, and said second locking mechanism unreleasably locks said hub and said cylindrical sheath at the second position.

The Examiner rejected claims 1-35 under 35 U.S.C. §102 (b) as being anticipated by the Liu reference. In so doing, the Examiner stated that “Liu discloses the first locking mechanism (411b/120b) comprises a pair of flexible extension arms supported by said hub (10b) and a groove (411b) formed on the inner surface of the proximal end of said cylindrical sheath, and said locking tab (411) attached to said cylindrical sheath with a hinge (sliding of 1b) (emphasis added)”.

The Liu reference states that “the connecting section 411 of the sheath 4b is formed of a pair of projecting rings 411b. The outer edge of each projecting ring 411b is formed with at least one projecting tooth 411b’.” (Col. 3, lines 63-66). Referring to Figure 9 and Figure 9A of the Liu reference, the connecting section 411 (including the pair of projecting rings 411b) of the sheath 4b is shown to be formed on the inner surface of the sheath 4b.

The Liu reference does not disclose, teach, or suggest the winged safety needle assembly specified in independent claim 1, as amended. Unlike the winged safety needle assembly specified in independent claim 1 as amended, the Liu reference does not show “a cylindrical sheath having a **locking tab attached to an outer surface thereof by a hinge**”.

Accordingly, Applicants respectfully submit that independent claim 1, as amended, distinguishes over the above-cited reference. Claims 2-12 all depend directly or indirectly from independent claim 1, as amended. Therefore, Applicants respectfully submit that claims 2-12 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 13, as amended, recites limitations similar to independent claim 1, as amended. Specifically, independent claim 13, as amended, recites "a cylindrical sheath having a locking tab attached to an outer surface thereof by a hinge". Therefore, amended independent claim 13 also distinguishes over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Claims 14-23 all depend, directly or indirectly, from amended independent claim 13. Therefore, Applicants respectfully submit that claims 14-23 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Independent claim 24, as amended, recites limitations similar to independent claim 1, as amended. Specifically, independent claim 24, as amended, recites "a cylindrical sheath having a locking tab attached to an outer surface thereof by a hinge". Therefore, amended independent claim 24 also distinguishes over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Claims 25-35 all depend, directly or indirectly, from amended independent claim 24. Therefore, Applicants respectfully submit that claims 25-35 distinguish over the above-cited reference for the same reasons as set forth above with respect to independent claim 1, as amended.

Applicants believe that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los

Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: July 24, 2006

By: 

Roger R. Wise
Registration No. 31,204
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033